

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**NUCLEAR WATCH NEW MEXICO,  
*Plaintiff,***

v.

**No. 1:16-cv-00433-JCH-SCY**

**UNITED STATES DEPARTMENT OF ENERGY,**

*Defendant  
and*

**NEW MEXICO ENVIRONMENT  
DEPARTMENT,**

*Intervenor.*

**ORDER DENYING MOTION TO STAY  
AND SCHEDULING CONFERENCE**

This matter comes before the Court on the parties' third Joint Motion to Continue Stay. Doc. 164. On December 5, 2019, the Court held a status conference to discuss case management deadlines, at which time the parties informed the Court that they had entered settlement negotiations and therefore requested a stay until March 31, 2020. Doc. 149. The Court granted that stay and subsequently extended it twice. Docs. 148, 155, 162. The parties now ask to extend the stay until December 30, 2020 because they are still engaged in negotiations. Doc. 164. The Court, however, will grant no further extensions of the stay. Accordingly, the Court denies the Joint Motion to Continue Stay (Doc. 164).

Further, the Court will set this matter for a scheduling conference. The parties will "meet and confer" no later than **Tuesday, October 27, 2020** to formulate a provisional discovery plan. Fed. R. Civ. P. 26(f). The parties will cooperate in preparing a *Joint Status Report and Provisional Discovery Plan* ("JSR") which follows the sample JSR available at the Court's website, [www.nmd.uscourts.gov](http://www.nmd.uscourts.gov). The parties will fill in the proposed dates, bearing in mind that

the time allowed for discovery is generally 150 to 180 days from the date of the Rule 16 Initial Scheduling Conference. The Court will determine actual case management deadlines after considering the parties' requests. Plaintiff, or Defendant in removed cases, is responsible for filing the JSR by **Friday, November 6, 2020.**

Good cause must be shown and the Court's express and written approval obtained for any modification of the case management deadlines that the Court will establish at the scheduling conference.

A Rule 16 Initial Scheduling Conference will be held telephonically on **Tuesday, November 17, 2020, at 11:30 a.m.** The parties shall call the AT&T Conference line at (888) 808-6929, Access Code: 8865421, to connect to the proceedings. At the Rule 16 scheduling conference, counsel must be prepared to discuss initial disclosures; discovery needs and scheduling; the process for resolving discovery disputes;<sup>1</sup> and the timing of expert disclosures and reports under Fed. R. Civ. P. 26(a)(2). Client attendance is not required.

**IT IS SO ORDERED.**

Steve Yarbro  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The Court will not entertain any motion to resolve a discovery dispute pursuant to Fed. R. Civ. P. 26 through 37, or a motion to quash or modify a subpoena pursuant to Fed. R. Civ. P. 45(c), unless the attorney for the moving party has conferred or has made reasonable effort to confer with opposing counsel concerning the matter in dispute prior to the filing of the motion. Every certification required by Fed. R. Civ. P. 26(c) and 37 and this rule related to the efforts of the parties to resolve discovery or disclosure disputes must describe with particularity the steps taken by all attorneys to resolve the issues in dispute. A "reasonable effort to confer" means more than mailing or faxing a letter to the opposing party. It requires that the parties in good faith converse, confer, compare views, consult, and deliberate, or in good faith attempt to do so. Absent exceptional circumstances, parties should converse in person or telephonically.